



Interpreter Commission Meeting
Friday, March 3, 2017
Tukwila Community Center
6200 Southcenter Boulevard, Tukwila, WA

MEETING MINUTES

Members Present:

Justice Steven González
Judge Andrea Beall
Judge Laura Bradley
Judge Theresa Doyle
Francis Adewale
Thea Jennings
Katrin Johnson
LaTricia Kinlow
Lynne Lumsden (by phone)
Dirk Marler
Linda Noble
Fona Sugg
Alma Zuniga

AOC Staff:

Robert Lichtenberg
James Wells

Members Absent:

Eileen Farley
Maria Lucia Gracia Camon

Guests:

Ada Shen-Jaffe

CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order by Justice Steven González. Members and attendees introduced themselves. The agenda for the meeting was approved.

APPROVAL OF DECEMBER 2, 2016 MEETING MINUTES

Minutes were approved.

CHAIR'S REPORT

Joint ATJ Board/Commissions Workgroup

The Commission discussed the new workgroup made up of members of the Supreme

Court Commissions and the Access to Justice (ATJ) Board. Judge Bradley and Mr. Adewale are currently members of the ATJ board. Judge Doyle and Ms. Johnson volunteered to be part of the workgroup. The workgroup will have a monthly phone call to discuss activities and future work until October 2017.

ATJ Board State Plan Draft Review and Response

Later this year, the ATJ Board will be issuing its State Plan for the Coordinated Delivery of Civil Legal Aid to Low Income People. They would like comments on their draft plan by April 17. Ms. Zuniga and Ms. Jennings volunteered to review the plan and provide input regarding language access issues. They can provide AOC staff with their comments, who will then forward them to the full Commission for review.

Legislation Update

The Commission discussed the status of interpreter related legislation during the current legislative session. HB 1186 concerns changing state law regarding the payment of interpreter in civil cases as well as requesting additional funding for the reimbursement program. This bill has passed out of the House of Representatives and is moving into the Senate for review. The bill is expected to face more opposition in the Senate and it would be important to find supportive senators. The first committee to review the bill will be the Law and Justice Committee.

The Commission discussed potential arguments and discussion points.

- **Previous Department of Justice (DOJ) action:** The DOJ has previously contacted King County and Labor and Industries about their interpreter policies and required them to make changes. However, there is currently uncertainty in the DOJ about how much they will work with states in the near future and enforce Title VI compliance.
- **Nature of Civil Cases:**
 - Some legislators may not understand the importance and critical nature civil cases. Civil suits are sometimes seen more as a “luxury” and as a privilege, and not as a right.
 - Some legislators may not consider cases such as protection orders, which involve the safety of an individual.
 - In civil cases, one party is often not involved in a proceeding by choice. If an Limited English Proficient (LEP) party is being sued, they are not initiating the proceeding and must respond.
- **Anecdotes:** Providing real life examples to illustrate the nature of these cases and how LEP parties are affected could help persuade some senators.

- **Data:** Statistics on low income could be helpful, although it wouldn't capture the people who do not even go to court to get an indigency waiver because they don't know about the process.
- **Outside Support:** Counties and cities could provide support. If the state were to provide more funding for interpreters, which the states and counties will be paying anyway, they would have more funding for more local issues.
- **Current Practice:** LEP parties are frequently indigent and many courts already ignore the process of declaring indigency and assume LEP parties will qualify

The Commission discussed how the statute is not just about paying for interpreters but also about getting interpreters. LEP parties may not know how to find an interpreter or how to apply for being indigent without being able to the court through an interpreter.

The Commission also discussed another bill going to the legislature that would remove the requirement for court interpreter to renew their oath every two years. It is unlikely to face resistance and no money was tied to the bill.

Retreat preview

The Commission discussed the retreat that would begin shortly after the meeting. The retreat facilitator, Ms. Shen-Jaffe, came early to observe the meeting and the group. She spoke about some of her experience and felt the most important thing to leave the retreat with was a sense of alignment.

Next Meeting Location and Public Forum

The Commission discussed their next meeting and planned public forum. They Commission hoped to meet with community members and LEP parties at the planned public forum in Clallam county. However, they were concerned that a chilling effect caused by the recent immigration policy changes would keep many community members from attending. Immigration policies are also in flux and would not be settled in the near future. The Commission decided to postpone the forum until the fall or another time when there would be more certainty for LEP individuals.

Judicial College Update

The recent interpreter session at the Judicial College received an average score of 4.85 from the reviews made by the attendees. Judge Estudillo was an observer at this year's session and next year he will be taking over for Judge Galvan who has lead the session for the past few years.

Language Access Plan Deskbook Update

AOC staff previously shared the comments from the previous Commission meeting regarding the Language Access Plan (LAP) with the subject matter expert workgroup that is helping update the policy section of the LAP. They hoped to have that section of the plan updated by the end of March.

The Commission discussed how to persuade courts to create or update their LAPs. Without funding, it could be difficult to convince courts to improve their language access services. Additional funding for an expanded reimbursement program, if it is approved by the Legislature, would be helpful.

The LAP for the appellate courts was currently halted. There has been some resistance in the court system to the establishing a plan since some people felt interpreters would not need to be present in the court room given that attorneys are the main parties in appellate court. For the moment, efforts would focus on the LAP for the trial courts.

COMMITTEE REPORTS

Issues Committee

Revisions to General Rule 11.2

The Issues Committee was previously tasked with reviewing and updating General Rule (GR) 11.2 Code of Conduct for Court Interpreters. Some members of the Northwest Translators and Interpreters Society (NOTIS) have already begun reviewing the code of conduct and the Issues Committee was deferring to them for the review. There were no new updates to review at this time.

Interpreter Pay Scale Survey

The Issues Committee has begun looking into how a standardized court interpreters pay scale could be created and the role the Commission or the AOC would have. The Commission reviewed the draft survey in the packet. Commission members would follow up with AOC staff if they had any additional feedback.

Tagalog Interpreters

The Commission discussed the status of registered Tagalog interpreters in Washington.

Three Tagalog interpreters sent a letter to the Commission. The interpreters were now asking to maintain their credentials until the end of 2017. These interpreters were informed recently that they would be losing their credentials. Tagalog was moved from registered language to a certified language in 2013 and the interpreter credentialed at the time were given 3 years to pass the certified oral exam to maintain their credentials. In 2015, an additional year was given to allow more time for the interpreters to get training to pass the exam before losing their certification. No training was provided given the limited resources for Tagalog interpreters.

The extension of time meant the interpreters would have until the end of 2016 to pass the certified Tagalog oral exam before losing their credentials. The end of 2016 is the middle of the bi-annual compliance reporting period for interpreters. Because of the confusion with the transition period extension, they were mistakenly sent letters and badge stickers that indicated to them that they would have their credentials until the end of 2017. This conflicted with the letters they received indicating they would be certified until the end of 2016.

Additionally, the National Center for State Courts (NCSC), recently began updating the Tagalog exam to become a Pilipino (Tagalog) exam. This update was prompted by California and their interpreters who expressed concern regarding the limitations of the Tagalog exam and evolution of the language community. The NCSE hoped to have the exam ready by the summer.

Given the confusion and lack of training resources, the Issues Committee recommended that the Commission to allow keep these interpreter to keep their credentials until the end 2017. Since it wasn't known exactly when the new Pilipino (Tagalog) exam would be ready, the Commission also allowed for the possibility of a further extension in case the exam results would not be ready by December 31. The Commission unanimously passed the following motion:

Motion: Current registered Tagalog interpreters would be allowed to keep their credentials until December 31 or until the results from the next Oral Exam are available.

Education Committee

Ms. Johnson reported that the Education Committee's proposal for a session at this year's for the Judicial Conference was approved. It was selected for one of the opening plenary sessions of the conference. The proposal included an experiential component that would illustrate the kind of situations an LEP party faces moving through the court system. The location of the conference in Vancouver, WA, could provide the opportunity to use participants from the nearby deaf school.

There would also be an interpreter related session at the Superior Court Judges and Superior Court Administrators conference in April about providing interpreters and paying for them. The Education Committee was not involved in planning this session.

The Committee had another proposal under consideration for the June ATJ Conference. This would be a practical session for new attorneys in civil legal aid and public defense. That application is still pending.

The Commission discussed other potential training opportunities

- A brown bag including attorneys and judges is currently being planned in Chelan County. This model could be used in other locations.
- A training for public defenders. These attorneys are often organized locally and may be difficult to identify.
- A conference for court staff responsible for interpreter scheduling. Ms. Johnson and Martha Cohen from King County had put together a possible agenda.
- Training for Civil Legal Aid attorneys in rural counties. Providing the training regional would be important to reach the right people.
- Legal advocates training.

Ms. Johnson will be attending a strategic planning meeting in SeaTac on March 24 involving the Court Education Committee for the Board for judicial Administration. Commission members were invite to share any input or suggestions for her to bring up at this meeting.

Discipline Committee

Mr. Lichtenberg updated the Commission about and ongoing correction plan involving an interpreter. An observer, who is an experience court interpreter, was arranged for the interpreter and the disciplinary action was ongoing.

COURT INTERPRETER PROGRAM REPORTS

Pattern Forms Letters

Ms. Sugg updated the Commission on the work with ATJ Board's Justice Without Barriers Committee.

Application Upgrades

Mr. Lichtenberg updated the Commission on the status of upgrades to the Interpreter Profile System (IPS) and the reimbursement application. The IPS would be updated to reflect the Commission’s changes to the education credit categories in 2016. The reimbursement application would be improved to avoid browser compatibility issues. A contractor has been found to perform the upgrades and the cost was estimated to be \$15,000 which will come from the Interpreter Program budget.

The AOC is exploring how a reimbursement application that included a scheduling tool could be created. The Commission discussed ways this could be created and how much internal staff would be used and how external vendors would be used.

Member Vacancy

The Commission discussed the remaining vacancies on the Commission. There is currently an interpreter organization member vacancy and the Commission considered creating a seat for county clerks or other court group that could inform the Commission’s discussion on language access outside the courtroom. The Commission felt that whoever was found for the vacancy should have influence in the group they are representing.

Motion Summary
Current registered Tagalog interpreters would be allowed to keep their credentials until December 31 or until the results from the next Oral Exam are available.

Action Item Summary
<i>Ms. Zuniga and Ms. Jennings</i> – Review the ATJ state plan and provide input regarding language access. Send comments to AOC staff for distribution to the full Commission.
<i>Judge Bradley</i> - talk to NWJP or other organizations about anecdotes that could be used to support interpreter related legislation.
<i>AOC Staff</i> – Look into how to contact county or city organizations to help get their support for interpreter related legislation.
<i>AOC Staff</i> – Follow up with Discipline Committee with specific of the correction and observation plan discussed during the meeting.
<i>AOC staff</i> – Make list of legislators on the Law and Justice Committee and others in the Senate who Commission members could contact.
<i>AOC staff</i> – can work with its legislative liaison to identify the most compelling arguments.